

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DAVID ALAN METCALFE,

Case No. 2:19-cv-00697-RFB-CWH

4 Plaintiff

ORDER

5 v.

6 SHARON WEHRLY et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
11 (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has
12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).

13 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28
14 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
15 proceed *in forma pauperis* and attach both an inmate account statement for the past six
16 months and a properly executed financial certificate. Plaintiff has not submitted an inmate
17 account statement for the past six months. (See ECF No. 1). The Court will retain
18 Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the
19 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the
20 deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the
21 full filing fee for this action.

22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL
24 SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner,
25 as well as the document entitled information and instructions for filing an *in forma pauperis*
26 application.

27 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
28 Plaintiff shall either: (1) file an inmate account statement for the past six months in

1 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
2 (which includes the \$350 filing fee and the \$50 administrative fee).

3 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
4 dismissal of this action may result.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
6 (ECF No. 1-1), but shall not file it at this time.

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8 DATED: April 25, 2019

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12 UNITED STATES MAGISTRATE JUDGE
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